



## City of Seattle

### Department of Planning and Development

D. M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3017589  
**Applicant Name:** Wegener Jeff  
**Address of Proposal:** 3635 Phinney Avenue North

### SUMMARY OF PROPOSAL

Land Use Application to allow a 3-story structure containing 27 residential units. Existing structures to be demolished. No vehicle parking proposed. Twenty-two bike spaces provided.

The following approval is required:

**SEPA Environmental Threshold Determination** (SMC Chapter 25.05)

### DPD SEPA DETERMINATION:

Determination of Non-significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

### SITE AND VICINITY

**Site Zoning:** Lowrise Two (LR2)  
**Nearby Zones:** Lowrise Two (LR2), Lowrise Three (LR3)  
Commercial (C1-40)  
**Existing Use:** Single Family residence  
**Lot Area:** 5005 sq. ft.



PROJECT DESCRIPTION:

The applicant proposes a 3-story structure, containing 27 residential units and 22 bike spaces. No vehicle parking proposed.

PUBLIC COMMENT:

Multiple written comments were received during the public comment period ending on August 6, 2014. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking, traffic, noise, historic resources, cumulative impacts, tree removal, environment impacts and stormwater runoff. Comments were also received that are beyond the scope of this review and analysis per SMC 25.05.

ANALYSIS - SEPA

The proposal is to establish a 27 unit structure in a Lowrise 2 (LR2) residential zone, thus the application is not exempt from SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a Lowrise zone and exceeds the unit threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 12, 2014. An arborist memo, dated September 18, 2014 and two parking utilization studies, dated October 22, 2014 and January 28, 2015, were submitted. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans, including site survey, and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08)

### Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions - Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Noise - Construction activities ('source') including demolition, site excavation, truck and equipment idling and use, materials movement, and construction personnel could adversely affect residents in the vicinity ('receiving property'). The Noise Control Ordinance is intended to control the level of noise to *'protect, promote and preserve the public health, safety and welfare' ... 'in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment'* (SMC 25.08.010). The Ordinance contains regulations for sound level limits from construction equipment, allowing exceedances from non-construction limits during limited hours and days. The noise levels are based on the zoning of both the source and the receiving property, and the hours that the exceedances are allowed is based on the zoning of the source property.

The proposal site is located in a residential zone and nearby properties are zoned residential. The Noise Ordinance limits exterior sound levels to 55, but allows construction-related activities to exceed limits by 15-25 dB(A), depending upon the type of equipment. The Ordinance allows the exceedances only during certain hours and days, depending upon the zoning of the construction site. The proposal site is located in a Lowrise 2 (LR2) zone; thus, the Ordinance allows the higher noise levels between 7am-7pm weekdays and 9am-7pm weekends and legal holidays.

Mitigation for construction impacts is subject to the SEPA Overview Policy. Construction activities are subject to the Noise Ordinance; so in order to require SEPA mitigation, there must be unusual circumstance that results in adverse impacts that "substantially exceed" those anticipated by City

codes and regulations. No such unusual circumstances are identified; therefore, no additional mitigation is warranted.

### Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; obstruction of private views, increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment. However, a closer look at parking impacts is warranted.

Parking - The subject property is located in a multifamily zone (LR2), the Fremont Hub Urban Village and in a frequent transit service area. The applicant submitted documentation demonstrating that they satisfy the requirements of the frequent transit service area. No vehicular parking is required for the project per the Land Use Code (SMC 23.54). The submitted MUP plans indicate no vehicular parking will be provided onsite for the 27 unit residential apartment project proposal. The applicant submitted two Parking Utilization Studies, dated October 22, 2014 and January 28, 2015, prepared by Transportation Engineering NorthWest (TENW). The second study provided parking demand analysis that included future development of cumulative projects estimated to impact the project's study area. The study area included all streets where parking was reasonably allowed, within 800 feet of the proposal. The results showed that during evening and overnight hours (Wednesday through Thursday) the parking utilization was approximately 84%. The City of Seattle determines parking capacity to be at 85%. Therefore, the study asserts there is some existing surplus parking available in the vicinity of the proposal.

A suitable tool to estimate the parking demand for this project is the King County Right Size Parking Calculator. This method, which estimates parking demand taking number of units, project location and unit size into account, results in a parking demand rate of .40 vehicles per unit. Using this rate, the project is expected to generate a parking demand of approximately 11 vehicles during peak hours. The project is proposing no parking, indicating that parking spillover will be approximately 11 vehicles. It is anticipated that these vehicles will seek parking on nearby streets on which parking is allowed. Adding these vehicles to existing on-street parking demand would result in a utilization rate of 87%.

The traffic study states the cumulative demand including spillover parking from all nearby proposed development would add an additional 14 vehicles to on-street parking within the study area. Adjusting for this, the total future on-street parking demand for all nearby development is expected to be 269 vehicles within 800' of the subject property, for a utilization rate of 97%. Given this cumulative impact, it is likely that residents seeking on-street parking may park somewhat further away than 800' from the site, spend more time searching for on-street spaces or perhaps decide not to own a car. While the total future utilization rate of 97% is above the "at-capacity" rate of 85%, SEPA Policy 25.05.675.M.2.b states no SEPA authority is provided for the decision maker to mitigate the impact of development on parking availability for residential uses located within urban villages and a frequent transit area, as in this case. Therefore no conditioning or mitigation is warranted or required.

Plants and Animals - One tree is located at the interior of the project site and none are located in the right of way. The tree was not classified as Exceptional. The project proposes retaining this tree located on the site and planting 9 trees. The applicant submitted an arborist report prepared by Holly Iosso, Certified Arborist (Tree Solutions Inc) dated September 18, 2014. The arborist report included tree evaluation data, tree retention data, and a tree inventory plan. The Director reviewed the arborist report and concurs with the arborist's tree inventory and site plan showing the location of the trees. The Director determined the proposal is consistent with the provisions of SMC 25.11.050 and 25.11.070 which sets forth exceptional tree determination and protection requirements as well as DPD's Director's Rule 16-2008. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Earth/Soils - The subject site itself is not located in a mapped environmentally critical area (ECA). The applicant submitted a geotechnical report under Building permit project # 6415493 (Geotech Consultants Inc., dated January 9, 2015). The geotechnical study has been reviewed by DPD's geotechnical experts who determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review. No additional mitigation is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions - Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Historic Landmarks - The existing single family structure on site is more than 50 years old. The Department of Neighborhoods reviewed the proposal for potential impacts to historic resources, and indicated the existing structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board, reference number LPB 745/14). Therefore, no mitigation is warranted for historic preservation.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early Review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **CONDITIONS - SEPA**

None required.

Signature: Betty Galarosa for Date: July 30, 2015  
Magda Hogness, Land Use Planner  
Department of Planning and Development

### **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

#### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.